

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CONTINENTAL CASUALTY COMPANY,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2:07cv221-WHA
)	
ALABAMA EMERGENCY ROOM)	
ADMINISTRATIVE SERVICES, P.C.,)	
)	
Defendant.)	

ORDER

Upon a review of the Answer filed in this case, the court has noted that the Defendant denies that this court has jurisdiction on the basis of diversity of citizenship (*see* ¶ 2 of the Answer, and 25th, 26th, and 27th defenses). Since jurisdiction is denied, the court must determine the jurisdictional issue before proceeding further.

If the Defendant, in good faith, actually intends to challenge the allegations as to citizenship of the parties and the amount in controversy, the court will set this case for an evidentiary hearing. Before putting the parties to that expense, however, and before committing the time of the court, the Defendant will be given an opportunity to reconsider the propriety of its denial. Therefore, the Defendant is given **until April 24, 2007**, to file an Amended Answer directly responding in good faith to the allegations contained in each paragraph of the Complaint. Furthermore, the Defendant should reconsider its affirmative defenses so as to assert only defenses which are reasonably relevant to the claims made in the Complaint. For instance, the Defendant has asserted two defenses to claims for mental anguish and 17 defenses to claims for punitive damages, while the Complaint makes claims for neither. In the event no Amended

Answer is filed, the court will conduct a hearing on the jurisdictional issue and tax costs as may be appropriate.

DONE this 20th day of April, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE